

AFFIDAVIT OF MERIT

OF JEFF KELLER, MD

STATE OF IDAHO)
)
) ss:
COUNTY OF BONNEVILLE)

1. I, Jeffrey E. Keller, MD make this affidavit of merit on behalf of The Estate of Kenneth J. Nolan. I am over twenty one (21) years of age and am fully competent and capable of making this affidavit.

2. I am currently licensed to practice in medicine Idaho, and I am Board Certified in Emergency Medicine, with 25 years of emergency medicine practice experience before moving full time into Correctional Medicine. I have been the Medical Director of Badger Medical, providing medical services to several jails and juvenile facilities in Idaho. I have been published in the field of Correctional Medicine, and I am a member of the American College of Correctional Physicians. In my professional work, I also mentor, engage and supervise the work of nurses and corrections officers who are engaged with booking and holding individuals who are arrested. More than 50% of my time has been engaged jail medicine.

3. I have reviewed the available records of Kenneth J. Nolan relative to his arrest, incarceration and initial medical interactions on November 20 and 21, 2019.


4. I am familiar with the applicable standard of care required of physicians, nurses and related corrections practitioners relative to these issues.

5. It is my opinion based upon my training, education, experience and background and review of the records available to the plaintiff, to a reasonable degree of medical certainty (that is, more probable than not), that Dr. Smith and Nurse Ballard breached the standards of care, having failed to establish safe procedures for taking individuals into custody.

6. Had proper medical screening been established and proper steps taken, Mr. Nolan more likely than not would have been transported to an emergency room for prompt treatment of an urgent medical condition.

7. This affidavit is made as a merit review and does not contain all the opinions or observations I have or may have regarding this matter. Furthermore, my opinions are subject to change based on additional information which may be provided.

Further affiant sayeth naught.



Jeffrey E. Keller, MD

Sworn to before me and subscribed in my presence this 24 day of November, 2021.





Notary Public